

# EXHIBIT

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**From:** Johnson, ScottM <ScottM.Johnson@supervalu.com>  
**Sent:** Monday, May 13, 2013 9:13 AM  
**To:** Riley, Bobbie; Berggren, Lynette; Tsipakis, Jim; Allgood, Marc  
**Subject:** FW: SOM-Albertsons

Team,

I talked to Tom at Watson/Actavis today to inquire if this was sufficient. He indicated it was.

**Scott Johnson**

**Director, Pharmacy Procurement**

**New Albertson's Inc.**  
**2501-1 W. Grandview Rd.**  
**Phoenix, AZ 85023**  
**Office: 602-547-5815**

**Fax: 602-547-5800**

[ScottM.Johnson@supervalu.com](mailto:ScottM.Johnson@supervalu.com)

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**From:** Johnson, ScottM  
**Sent:** Friday, May 10, 2013 1:59 PM  
**To:** Tom.Napoli@actavis.com  
**Cc:** Mary.Woods@watson.com; Johnson, ScottM  
**Subject:** FW: SOM-Albertsons



Tom,

#### Excessive Order Monitoring Process at Selection by the warehouse

- During the selection of product, selectors have the ability to question any quantity requested.
- Questions will be directed to Pharmacy Procurement and ultimately to Pharmacy Compliance for tracking and investigating purposes.
- All controlled substances will be audited for accuracy on product and quantity prior to shipment to stores.

#### Excessive Order Monitoring Process for Maximum Order Quantity

- Maximum pick quantity is drug specific.
- Maximum pick limit is established based on historical aggregate data and coded prior to the selection process.
- Maximum pick limit review by drug for accuracy of limit is completed at the very least quarterly.

Acknowledgement Form completed.

Please contact me for questions.

**Scott Johnson**

**Director, Pharmacy Procurement**

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**From:** Tom P Napoli [mailto:Tom.Napoli@actavis.com]  
**Sent:** Wednesday, May 08, 2013 8:45 AM  
**To:** Johnson, ScottM  
**Cc:** Mary J Woods  
**Subject:** Follow-up

Hi Scott,

Pursuant to Mary's email on Friday, May 3d, I just wanted to follow-up with a question and a request relative to your SOM program. After reviewing your Excessive Order monitoring policy, I noticed that there was reference to "maximum order quantities" that are established for locations. Can you provide insight as to how these levels are established (i.e. compared to similar pharmacy locations in geographic area, etc.)? I really appreciate your insight.

Additionally, since the Actavis acquisition, we have been requiring all of our new and existing customers to sign a compliance acknowledgement form, attesting that they maintain a, SOM program in accordance with federal regulations. I would greatly appreciate it if you could review and have the document signed and returned (scanned image is fine) to me as soon as practical.

I appreciate your time and effort in this matter. Please feel free to reach out with any questions that you may have.

Regards,

Tom

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Compliance  
Acknowledgem...



Compliance  
Ackow Form 5-1...



## ***COMPLIANCE ACKNOWLEDGEMENT FORM***

\_\_\_\_\_ on behalf of itself and all of its subsidiaries, facilities or other locations registered to distribute controlled substances ("Customer"), acknowledges that it will abide by all applicable laws, rules, regulations, and any other regulatory and legal requirements of the U.S. Drug Enforcement Administration (DEA), the Food and Drug Administration (FDA), and of all states in which it distributes and/or dispenses controlled substances and of all states in which it is licensed. Further, Customer acknowledges that it will not distribute or dispense controlled substances if it suspects that a prescription has not been issued for a legitimate medical purpose or in the normal course of professional practice or if it determines that questions exist regarding the proper usage and/or adequate legal compliance by its customer.

Customer understands that Actavis is required by DEA regulations to report to the local DEA Diversion field office any instances of suspicious orders of controlled substances pursuant to DEA guidelines. To this end, Customer will provide to Actavis any information regarding Customer's distribution of controlled substances which Actavis may need to evaluate compliance with DEA regulations. Actavis reserves the right in all cases to limit or eliminate any sales of controlled substances to customers in any situation which it determines in its sole discretion poses issues or questions of proper usage and/or adequate legal compliance by the Customer.

Customer represents that directly monitors and remains aware of the proper usage and handling of controlled drugs that it distributes and/or dispenses and to exercise due diligence to ensure that its customers adhere to all applicable laws and regulatory requirements. Customer is expected to exercise its professional knowledge and expertise to keep current on all such legal and regulatory guidelines.

Customer acknowledges that Actavis may provide a copy of this agreement to the DEA, other federal regulatory agencies, state regulatory agencies, or state licensing boards when determined to be appropriate.

Customer agrees that failure to comply with this Agreement may result in the termination of the relationship between Actavis and Customer, in whole or in part, notwithstanding any other agreements to the contrary.

Agreed to by a duly authorized officer, partner, or principal of Customer.

Signature: \_\_\_\_\_

Full Name (print): \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

## COMPLIANCE ACKNOWLEDGEMENT FORM

James Tsipakis on behalf of itself and all of its subsidiaries, facilities or other locations registered to distribute controlled substances ("Customer"), acknowledges that it will abide by all applicable laws, rules, regulations, and any other regulatory and legal requirements of the U.S. Drug Enforcement Administration (DEA), the Food and Drug Administration (FDA), and of all states in which it distributes and/or dispenses controlled substances and of all states in which it is licensed. Further, Customer acknowledges that it will not distribute or dispense controlled substances if it suspects that a prescription has not been issued for a legitimate medical purpose or in the normal course of professional practice or if it determines that questions exist regarding the proper usage and/or adequate legal compliance by its customer.

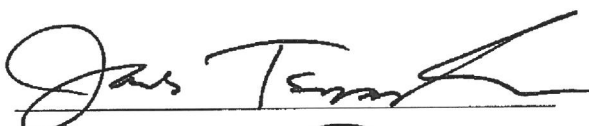
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Agreed to by a duly authorized officer, partner, or principal of Customer.

Signature:   
Full Name (print): James Tsipakis  
Title: V.P. Rx services  
Date: 5/10/13